The applicants submit the following reasons for traverse:

1. Amendment of the errors in the sequence listing.

Through oversight, and without deceptive intent, the application as filed contained erroneous listing of nucleotide SEQ ID NO:s 1, 2, 3, 4, 5 and 6.

The error was discovered during the preparation of the response to the Office Action of September 20, 2007. The sequence listing, amended in accordance with rules 37 CFR 1.821 to 37 CFR 1.825, on CD with a paper copy is being sent in a separate mailing.
The amended sequence listing introduces no new matter in the application.

The applicant believes that the erroneous listing of SEQ ID NO:s 1, 2, 3, 4, 5 and 6 leads to a misrepresentation of the inter-relation between the subsequent nucleotide sequences, viz., SEQ ID NO:s 7, 8, 9, and 10. The applicant respectfully states that the SEQ ID NO:s 7, 8, 9, and 10 all have a similar structure, and that they will be found not patentably distinct species when read in conjunction with the amended sequence listing, of which the paper copy is enclosed herewith for reference.

The amendment of the nucleotide sequence listing deletes the sequences corresponding to SEQ ID NO:s 1, 2, 3, 4, 5 and 6 by replacing the content of each of these six sequences with the code "000". Each of these six sequences represents a standard naturally occurring substance, and none of them is being claimed as part of the invention.

In addition, only the typographical correction to SEQ ID NO:s 7, 8, 9 and 10, is made, where in each case the leading character "n" is replaced by the string "df"; in all other respects the SEQ ID NO:s 7, 8, 9 and 10 remain the same as previously filed.

The amended sequence listing contains the added SEQ ID NO:s 11, 12, 13 and 14, which are generic versions of the claimed sequences. These sequences were claimed, for example, in Claim 12 and disclosed in the specification of the application as filed. Cf. Summary, page 6, lines 13-26, and Detailed Description, page 20, lines 21-24. The added sequences were recited again on pages 21 and 54, among others, of the specification as filed.

2. Unity of invention.

The applicant believes that the compounds represented by the sequence listing, including SEQ ID NO:s 7, 8, 9 and 10, and the newly added SEQ ID NO:s 11, 12, 13 and 14, all share a common structure, and share a common utility based on their common structure. The SEQ ID NO:s 7,8,9 and 10 all have specific deoxy nucleosides between the dfCpG moiety at the 5'- end (dfC being the abbreviation for 2'-deoxy,2',2'-difluorocytosine) and the dCpG moiety at the 3'- end of the oligo sequences, and they differ only in the bases between these moieties.

Furthermore, SEQ ID NO:s 11, 12, 13 and 14, comprise any of the deoxy nucleosides, abbreviated by "n" in the listing, between the dfCpG moiety (dfC being the abbreviation for 2'-deoxy,2',2'-difluorocytosine) and the dCpG moiety at the 3'- end of the oligo sequences.

Due to the common structure and their common utility as prodrugs of all 8 sequences, the Applicant submits that the claimed nucleotide sequences are not distinct "species" within the meaning of 35 U.S.C. 121.

3. A reasonable number of species may be claimed in a single application.

Per 37 CFR 1.141, under appropriate circumstances, "more than one species of an invention, not to exceed a reasonable number, may be specifically claimed" in one national application. The Applicant submits that the number of the claimed sequences in the amended sequence listing, i.e., 8, is a reasonable number.

Furthermore, in order to "aid the biotechnology industry in protecting its intellectual property" the requirements of 37 CFR 1.141, *et seq.* may be waived to "permit a reasonable number (*normally* around ten) of nucleotide sequences to be claimed in a single application." MPEP Chapter 8, Section 803.04.

4. Search requirements would decrease with the amended sequence listing.

The Applicant believes that as a result of the amendment of sequence listing, due to the commonality of structure between the claimed sequences, the search and review requirements of nucleic acid sequences, and nucleic acid sequences in the databases should prove to be much narrower.

As to the issue of Claims 1 and 23 vis-à-vis nucleotide sequences comprising SEQ ID NO:s 7, 8, 9 and 10, raised in the Office Action of 9/20/07, the Applicant notes that 2'-deoxy, 2'-,2'-difluorocytidine (abbreviated as df in the amended sequence listing) in the claims (claims 1, 23 and 24, among others) is considered as C in a CpG moiety. Therefore, the Applicant believes that the amended sequence listing would resolve the issue.

For the reasons stated above, applicant respectfully requests reconsideration of the restriction requirement between species communicated on September 20, 2007, and requests examination of the application with the eight extant sequences, from SEQ ID NO: 7 to SEQ ID NO: 14.

In the case of any questions or deficiency in the compliance or fees, you are requested to kindly contact the undersigned representative.

Dated: December 20, 2007

Respectfully submitted,

By _____
Indu M. Anand
Registration Number: 52,557
15 Green Way
Chelmsford, MA 01824
(978) 250-9003/ (617) 930-5000